

**PLAINTIFF'S MOTION
EXHIBIT 21**

1 CHRISTOPHER BROSCART

2 MS. PUBLICKER METTHAM:

3 Objection.

4 A. I was in a car and I was on
5 patrol.

6 Q. According to go your memo book
7 at 1620, you were sent to Schoolcraft's
8 residence, right?

9 A. At 1620 I left for Schoolcraft's
10 residence.

11 Q. Were you given an order to do
12 that?

13 A. Yes, sir.

14 Q. By home?

15 A. Captain Lauterborn.

16 Q. What did he tell you?

17 A. That Schoolcraft had left
18 earlier without permission and he sent me to
19 go bring him back to the precinct.

20 Q. Did he say anything else to you?

21 MS. PUBLICKER METTHAM:

22 Objection. You could answer.

23 A. Can you rephrase that? I can't.

24 Q. No, I can't actually. You know
25 what I could do is -- where were you when

1 CHRISTOPHER BROSCART

2 you got this assignment, were you on patrol
3 or were you in the precinct?

4 A. I was in the stationhouse.

5 Q. Was anybody else present when
6 you got this assignment from Lauterborn?

7 A. Inspector Mauriello.

8 Q. Did you get this assignment
9 while you were in the CO's office?

10 A. Yes.

11 Q. Who else was present, other than
12 Mauriello?

13 A. Lauterborn.

14 Q. Nobody else?

15 MS. PUBLICKER METTHAM:

16 Objection.

17 A. I don't recall.

18 Q. Did Mauriello say anything
19 during this exchange?

20 A. I don't recall.

21 Q. Were you directed to come to the
22 precinct while you were on the patrol to get
23 this assignment?

24 MS. PUBLICKER METTHAM:

25 Objection.

1 CHRISTOPHER BROSCART

2 A. In uniform.

3 Q. Did he have a gun?

4 A. Yes.

5 Q. Blue shirt?

6 A. Blue shirt.

7 Q. Do you recall when you got to
8 the scene anything that the anticrime
9 sergeant told you?

10 MS. PUBLICKER METTHAM:

11 Objection.

12 A. Just what I put in my notes
13 that --

14 Q. Which was what?

15 A. That he got there a couple of
16 minutes earlier and talked to the landlord
17 and knocked on the door. There was no
18 answer. The landlord thought that he heard
19 Schoolcraft come down the stairs and exit
20 the apartment. That he wasn't home.

21 Q. Do you recall anything that you
22 discussed with the landlord?

23 A. I believe hearing the same story
24 from him talking to him.

25 Q. After you got to the scene, what

1 CHRISTOPHER BROSCART

2 did you do next?

3 A. I believe I went upstairs and I
4 knocked on the door and there was no answer.

5 Q. How did you get access to the
6 house?

7 A. Through the landlord.

8 Q. Where did you park your car?

9 A. Originally I believe on his side
10 -- Schoolcraft's side of the street.

11 Q. Where on the street?

12 MS. PUBLICKER METTHAM:

13 Objection.

14 A. Don't know exactly. Just close
15 by.

16 Q. Did you block the street off at
17 any time?

18 A. I never blocked the street off
19 at any time.

20 Q. Did you ever give any order for
21 anybody to block off the street?

22 A. No.

23 Q. Did Officer Cruz remain in the
24 vehicle or did he get out too?

25 A. He got out.

1 CHRISTOPHER BROSCART

2 Q. So the four of you had a
3 conversation, you, Cruz, the anticrime
4 sergeant and the landlord?

5 A. I don't know if Cruz was next to
6 me when we had the conversation. So I don't
7 know what he heard or.

8 Q. How did you know that you were
9 knocking on Schoolcraft's door when you went
10 upstairs and knocked on the door.

11 A. The landlord told me -- they
12 told me which apartment.

13 Q. Did you hear anything emanating
14 from Schoolcraft's apartment?

15 A. Not at the time.

16 Q. At any time did you ever hear
17 anything emanating from his apartment?

18 A. No.

19 Q. Did you ever see anything that
20 indicated that Schoolcraft was in the
21 apartment?

22 A. Yes.

23 Q. What did you see?

24 A. I saw what appeared from his
25 window, which was closed with blinds, the

1 CHRISTOPHER BROSCART

2 light from the TV when it got dusk.

3 Q. Sorry?

4 A. I saw the light of the TV when
5 it got dusk. That bluish light.

6 Q. After you knocked on the door
7 you didn't get an answer, right?

8 A. No.

9 Q. What did you do next?

10 A. I went downstairs and called the
11 command.

12 Q. Who did you call?

13 A. Captain Lauterborn.

14 Q. What did you tell him?

15 A. That he was not home and what
16 the landlord told me that he might have left
17 the building before we got there.

18 Q. What did Lauterborn tell you?

19 A. Lauterborn told me stay in the
20 area on the block and see if he came back.

21 Q. Did you do that?

22 A. Yes, I did.

23 Q. How long did you stay in the
24 area to see if Schoolcraft came back?

25 A. I remained from the time I got

1 CHRISTOPHER BROSCART

2 there to the time I left with Schoolcraft in
3 the ambulance.

4 Q. I understand that, but after
5 Lauterborn told you to sit tight and see if
6 Schoolcraft comes back, how long did you
7 just sit there and nothing happened?

8 MS. PUBLICKER METTHAM:

9 Objection.

10 A. About four hours.

11 Q. So is it fair to say for about
12 four hours you were waiting in front of
13 Schoolcraft's residence?

14 A. A couple of times we went back
15 and knocked on the door to see if anyone was
16 there.

17 Q. There was still again, no
18 response, right?

19 A. No response and I talked to the
20 landlord later on too.

21 Q. What did you talk to the
22 landlord about?

23 A. One of the times went back, the
24 landlord thought he might be in the
25 apartment 'cause he heard springs, he

1 CHRISTOPHER BROSCART

2 A. I can't remember if Marino
3 stepped out of the bedroom at the time or
4 he's in there. I think he stepped out, but
5 I can't be sure.

6 Q. How long did Schoolcraft resist
7 being cuffed?

8 A. Probably a minute or so, if I
9 remember right.

10 Q. Did you hear Schoolcraft
11 complaining about being in pain?

12 A. That, I can't recall.

13 Q. Do you recall Schoolcraft
14 complaining about his chest?

15 A. No, I don't recall that.

16 Q. Did you put your hands on
17 Schoolcraft at any time?

18 A. Yes.

19 Q. When?

20 A. In the bedroom.

21 Q. Why did you put your hands on
22 him?

23 A. I was just holding him in place.

24 Q. While he was being cuffed?

25 A. No, I was not there when he was

1 CHRISTOPHER BROSCART

2 being cuffed. While he was getting patted
3 down by Sergeant Duncan.

4 Q. Was Schoolcraft standing up
5 while he was being patted down?

6 A. At the time he was on his side.

7 Q. He was lying on the ground?

8 A. Yes.

9 Q. And you put both your hands or
10 one of your hands on him?

11 A. I can't recall if it was one or
12 two at this time.

13 Q. Why were you putting your hands
14 on him?

15 A. Just to steady him. Keep him in
16 one place.

17 Q. Was he moving?

18 A. I can't recall.

19 Q. What part of his body were you
20 touching?

21 A. If I remember, his shoulder or
22 arm.

23 Q. Right arm or right shoulder or
24 left arm or left shoulder?

25 A. I can't recall.

1 CHRISTOPHER BROSCART

2 Q. How long did you have your hands
3 on him?

4 A. Not long.

5 Q. Less than a minute?

6 A. Probably a minute or two at the
7 most.

8 Q. Is that the only occasion you
9 put your hands on Schoolcraft?

10 A. I can't remember if I -- can
11 remember we cuffed him to a hospital bed,
12 but I can't remember if I touched him or who
13 re-cuffed him, it was me or Cruz in the
14 gurney in the hospital or even when we were
15 carrying him or I can't remember if I was
16 carrying him or somebody else was helping
17 carry him in the chair.

18 Q. Let's go to the hospital. Do
19 you remember re-cuffing Schoolcraft to the
20 hospital gurney?

21 A. I can't remember if it was
22 exactly me or Officer Cruz, but he was
23 cuffed to one hand to the gurney.

24 Q. Why was Schoolcraft cuffed while
25 he was in the hospital?

1 CHRISTOPHER BROSCART

2 MS. PUBLICKER METTHAM:

3 Objection.

4 A. I have never filled out that
5 form for -- that's the only time I ever
6 filled out that form and I've never seen it
7 filled out for anything else except for that
8 kind of thing.

9 Q. When you say that kind of thing
10 you mean drunk --

11 A. Or when a duty captain responds
12 to an incident whether it be an off-duty
13 incident, where somebody is fighting with
14 their wife or something like that. That's
15 more affluent when they're going to fill it
16 out to make sure.

17 Q. Did Schoolcraft exhibit any
18 signs of pain after he was handcuffed?

19 MS. PUBLICKER METTHAM:

20 Objection. You could answer.

21 A. That, I can't remember.

22 Q. What happened after you and the
23 others took him out of the apartment in the
24 chair?

25 A. He went into the bus and I

1 CHRISTOPHER BROSCART

2 escorted him to the hospital. It took about
3 15 minutes or so to get to Jamaica. He was
4 brought in, went to the triage, where I
5 guess they took his vitals and stuff like
6 that. Then they put him in the ER. I don't
7 know how they assign a bed or whatever at
8 the time.

9 Q. So you went into the bus with
10 him?

11 A. Accompanied him in the bus.

12 Q. Did you see anybody taking his
13 blood pressure when he was in the bus?

14 A. I believe so, but I can't
15 certify that.

16 Q. Who took his blood pressure?

17 A. EMS.

18 Q. Who were the two EMS people?

19 A. I have no idea who they are.

20 Q. Two were two EMS people?

21 A. Yes. I believe one driver and
22 person in the back.

23 Q. Did you see either of them ever
24 take Schoolcraft's blood pressure at any
25 time?

1 CHRISTOPHER BROSCART

2 occasion?

3 A. I know it was taken in the
4 apartment. I don't know if it was taken in
5 the bus, because I never saw him the first
6 time in the bus.

7 Q. When Schoolcraft got into the
8 bus, was he still in the chair or was he
9 restrained in some way?

10 MS. PUBLICKER METTHAM:

11 Objection.

12 A. He was still handcuffed. I
13 can't remember if he stayed in the chair or
14 was put in the gurney. I can't remember.

15 Q. While he was being taken to the
16 hospital, was he handcuffed?

17 A. Yes.

18 Q. From behind?

19 A. Yes.

20 Q. So was he sitting or lying on
21 his hands?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. He was sitting on an incline, if
25 I remember and every once in a while he

1 CHRISTOPHER BROSCART

2 would look up, look out the window.

3 Q. But he was cuffed from behind?

4 A. Behind, if I remember.

5 Q. Hands were behind him?

6 A. Hmm-mm.

7 Q. You have to say yes.

8 A. Yes.

9 Q. What do you recall happening in
10 the ride over to the hospital?

11 MS. PUBLICKER METTHAM:

12 Objection. You can answer.

13 A. I answered before, but EMS asked
14 him pedigree questions and every once in a
15 while when they weren't getting the answers,
16 I would ask Adrian the same question again
17 that they were asking and he would answer.

18 Q. Do you recall anything else
19 happening?

20 A. Not specifically.

21 Q. Do you recall him saying
22 anything, other than responding to your
23 questions that you asked him to provide the
24 information for?

25 A. Not that I recall.

1 CHRISTOPHER BROSCART

2 Q. What was his demeanor like in
3 the bus?

4 A. It was kind of weird to me. He
5 had a -- to me he had a big grin on his
6 face. He didn't seem overly concerned.
7 Like I said, he kept on popping his --
8 leaning up, looking out the car like he's
9 looking for the police car behind him. I'm
10 not sure what it was, but that's about it.
11 He was answering the questions they asked
12 him and that was it.

13 Q. Well, you said there were times
14 when he was not answering the questions?

15 A. I don't know if he heard them or
16 not. He wasn't necessarily not answering
17 'cause he didn't want to answer. I don't
18 know if he heard them or not.

19 Q. Do you recall what the
20 information was that he was providing to the
21 emergency medical technician in the bus that
22 was inconsistent --

23 MS. PUBLICKER METTHAM:

24 Objection.

25 Q. -- with what he provided in the